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U. S. A. NOW SALOONLESS

Constitutional Prohibition Effective Jan. 16, 1920

LAW ENFORCEMENT IS NEXT BATTLE IN ANTI-ALCOHOL WAR

BEER KNOCKED OUT BY SUPREME COURT VOLSTEAD ACT O.K.

Congress Has Power to Define Intoxicants

EFFECTIVE ENFORCEMENT DEMANDS FIXING LIMIT

President Could Not Legalize the Manufacture of Beer

THE LAST WET HOPE IS KILLED

Whisky met its Waterloo on December 15th when the Supreme Court of the United States upheld war-time Prohibition. Beer received its final death sentence on January 5th when the Supreme Court upheld the validity of the Volstead Enforcement Act including the section which defines intoxicating liquors as all containing more than one-half of one per cent alcohol.

The opinion upholding the law was rendered in the case brought by Jacob Ruppert of New York to enjoin the government from prohibiting the sale of 2.75 beer. The court was divided 5 to 4. Associate Justices Day, Vandevanter, Clarke, and McReynolds dissenting. The majority opinion was read by Associate Justice Brandeis. It is in part as follows:

"If the war power of Congress to effectively prohibit the manufacture and sale of intoxicating liquors in order to promote the nation's efficiency in men, munitions and supplies, is as full and complete as the police power of the states to effectively enforce such Prohibition, in order to promote the health, safety and morals of the community, it is clear that this provision of the Volstead act is valid and has rendered immaterial the question whether plaintiff's beer is intoxicating."

"For the legislation and decisions of the highest courts of nearly all of the states establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular liquor made or sold as a beverage is intoxicating."

Fixed Standard Needed

"That the federal government would, in attempting to enforce a prohibitory law be confronted with difficulties similar to those encountered by the states is obvious; and the need of the federal government of legislation defining intoxicating liquors, as was done in the Volstead act, was clearly set forth in the reports of the house judiciary committee."

"Furthermore, the attorney general calling attention specifically to the claim made in respect to the 2.75 per cent beer, had pointed out to Congress that definition of intoxicating liquor by fixed standards was essential to effective enforcement of the Prohibition law. It is therefore clear both that Congress might reasonably have considered some legislative definition of intoxicating liquor to be essential to effective enforcement of Prohibition and also that the definition provided by the Volstead act was not an arbitrary one."

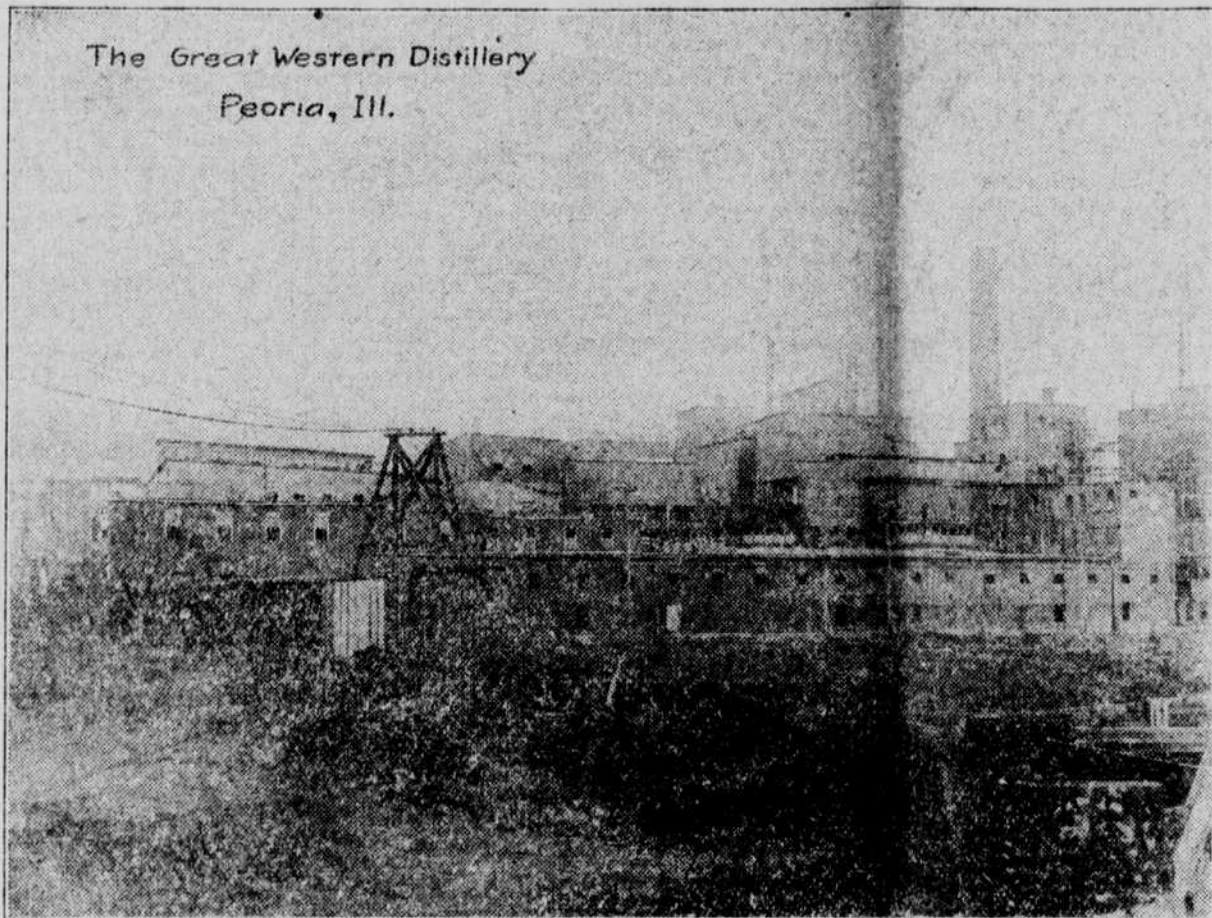
Takes Up Loss to Brewers

"The police power of a state over the liquor traffic is a single broad power to make such laws, by way of Prohibition, as may be required to effectively suppress the traffic in intoxicating liquors. Likewise, the implied war power over intoxicating liquors extends to the enactment of laws which will not merely prohibit the sale of intoxicating liquors, but will effectually prevent their sale."

"Hardship resulting from making an act take effect upon its passage is a frequent incident of permissible legislation. . . . Here the loss resulting to the plaintiff from inability to use the property for brewery purposes, is an incident of the peculiar nature of the property and of the war

ONE OF THE MANY PLANTS THAT WILL MAKE BOOZE NEVER AGAIN

The Great Western Distillery
Peoria, Ill.



needs, which, we must assume, demanded that the discontinuance of use be immediate.

"Prohibition of the manufacture of malt liquors with alcoholic content of one-half of one per cent or more is permissible because, in the opinion of Congress, the war emergency demands it."

"If, in its opinion, the particular emergency demands the immediate discontinuance of the traffic, Congress must have the power to require such discontinuance."

"It is urged that the act is particularly oppressive in respect to the beer on hand, because the plaintiff was engaged in manufacturing and selling a non-intoxicating beverage, expressly authorized by the President in his proclamation of December 8, 1917, and prohibited by him later, only when conservation of all the food products of the country became necessary."

"The facts afford no basis upon which to rest the claim of an equity in the plaintiff's favor. The specific permission from the President to manufacture 2.75 per cent beer was not on the ground that such beer was non-intoxicating, nor was it a declaration by him that this beer was in fact non-intoxicating. The permission extended to all 'ale and porter,' which, everyone knows, are intoxicating liquors. This permission to make 2.75 beer was withdrawn December 1, 1918, under proclamation of September 16, 1918, and no permission to manufacture specifically 2.75 beer was ever thereafter given by the President."

"His later proclamation (March 4, 1919), merely limited the prohibition of the use of foodstuffs to use in the production of 'intoxicating liquors.' Whether 2.75 beer was intoxicating was thus left by the President not only without a decision but without even an intimation."

"The statement of plaintiff that the 2.75 beer on hand was manufactured under permission of the President is wholly unfounded. It was not until July 1, 1919, when the war-time Prohibition act became operative in this respect, that there was any prohibition of the sale of any liquors. So far as appears, all the beer which the plaintiff had on hand at the time of the passage of the Volstead act was manufactured by the plaintiff long after the President had ceased to have any authority to forbid or to permit."

The decision pointed out that in 42 of the 48 states anything over two per cent of alcohol is deemed intoxicating as a matter of law, and only one state permits as high a percentage as 2.75.

Indictments Dismissed

Indictments brought against the Standard Brewery at Baltimore, and the American Brewing Company at New Orleans for manufacturing 2.75 per cent beer before the war-time Prohibition enforcement act became effective were ordered dismissed.

In deciding the New Orleans and

Baltimore cases, Justice Day in a unanimous opinion held that the manufacture of beer containing 2.75 per cent alcohol was legal until the enactment of the Volstead act.

IN THE LAST DITCH

The Supreme Court decided that the law making one-half of 1 per cent alcohol content the limit of alcohol in soft drinks completely cleans the slate and knocks the wets galley-west.

The last ditch of the wets has been reached and they have been ditched in a manner that will last.—Sterling Gazette.

It is always well to look on the bright side of things. Wood alcohol does away with the vicious 'let's have one more' habit. Usually one shot is enough.—B. L. T., Chicago Tribune.

PROHIBITION DID IT

Helped All Classes to Fill Big Purses

Prohibition, according to jewelers, was the chief cause of an unusually heavy Christmas trade in all lines of jewelry.

"There is, I think, no doubt about this," said a Chicago jeweler. "Prohibition has resulted in the saving of much money among all classes and the Christmas spirit loosened the strings of better filled purses. The money that used to go across the bars has been put into gifts of jewels for sweethearts and wives. What the saloonkeepers lost, the jewelers gained."—The Chicago Evening Post.

January 18, 1920, Law and Order Sunday

TREASURY DEPARTMENT

Office of

Commissioner of Internal Revenue

Washington, January 1, 1920.

The American people have declared through due process in favor of National Prohibition. The Eighteenth Amendment to the Constitution of the United States, giving the most solemn legal authority for this, becomes effective January 16, 1920. The Congress has seen fit to place in the Bureau of Internal Revenue the important responsibility for the enforcement of Prohibition.

Whether Prohibition is a wise national policy is no longer a question for debate or contention among good citizens. This step on the part of our people has been incorporated as an integral part of the Constitution of our country, and all law-abiding citizens will demand its observance.

The law explicitly imposes enforcement responsibilities upon all the officers of the federal and state governments, and their subdivisions. It is well that this is so, for no one agency or single group of officers could, without the co-operation of all other officers of the law and all law-abiding citizens, meet their responsibilities in this connection effectively and satisfactorily.

As an officer of the federal government I can have no different standard with regard to the enforcement of Prohibition than with respect to the enforcement of any other law, and I shall, therefore, insist upon the same strict observance of this law as we endeavor to attain with respect to all other laws the enforcement of which is lodged with this bureau. I can not believe that any state or other political division will consciously bring discredit upon itself by failure to respond promptly to its full legal and moral responsibilities of initiative and co-operation in connection with the enforcement of the National Prohibition act.

It is not for the success of the Bureau of Internal Revenue that we appeal, but for the success of the American people in sustaining the majesty of the law and the honor of our American institutions. To this end we need for this law, and for all our laws, an aroused public conscience with respect to law observance and law enforcement.

I observe that it is being suggested that Sunday, January 18, 1920, be set apart and designated as "Law and Order Sunday" throughout the country. I sincerely trust that this will be generally observed; that clergymen throughout the land will bring to the attention of their congregations the vital importance of law as the cornerstone of Americanism. Law and order has always found in the clergy its strongest champions. Their clear expression of right and their ringing challenge to the American spirit of our citizenship was never more urgently needed than it is at the present time.

May "Law and Order Sunday" mark the beginning of a nationwide movement toward an every-day law and order observance.

DANIEL C. ROPER,

Commissioner of Internal Revenue.

CONSTITUTIONAL AMENDMENT ADOPTED AFTER QUARTER CENTURY FIGHT BY DRYS

National Campaign Commenced at Columbus, Ohio, in Nov. 1913, by Anti-Saloon League

FIRST VOTE IN CONGRESS SHOWS DRY MAJORITY BUT LESS THAN THE REQUIRED TWO-THIRDS

"Not Without Thy Wondrous Story"—Illinois Was the Twenty-Sixth State to Ratify

THERE WERE ONLY THREE SMALL STATES HELD BY THE WETS

When the Anti-Saloon League was organized its purpose was the complete suppression of the beverage liquor traffic. For many years its fight against saloons was carried on under local option laws. Much progress was made under these laws until many states were entirely dry.

In November, 1913, Anti-Saloon League officials and workers from all over America met at Columbus, Ohio, and launched the campaign for National Prohibition. On December 10, 1913, a committee of 1,000 organized by the Anti-Saloon League of America, together with a similar committee organized by the Woman's Christian Temperance Union, officially presented to the members of Congress the proposed amendment to the Constitution.

The measure was introduced by Richmond Pearson Hobson in the House of Representatives on December 11, 1913, and a similar measure was introduced into the Senate by Senator Morris Sheppard.

On December 22, 1914, a vote on the resolution resulted in 197 votes in favor of the measure to 189 votes against it. Since the resolution required a two-thirds majority it failed of passage.

Congress Submits Resolution

In December, 1916, the Judiciary Committees of the House and the Senate both favorably reported the resolution and it was placed on the calendar of the House and Senate respectively. It was, however, not brought to a vote in either House during the Sixty-fourth Congress.

In the Sixty-fifth Congress the resolution was presented in the Senate by Senator Sheppard and in the House by Edwin Y. Webb. On August 1, 1917, the resolution was adopted by the Senate by a vote of 65 to 20.

On December 17, 1917, the House of Representatives adopted the Constitutional Amendment Resolution with slight changes by a vote of 282 to 128. On the following day the Senate voted to concur in the House amendment and the joint resolution submitting to the states the National Prohibition Amendment was thus finally adopted.

The fact that the Prohibition movement knows no party lines and is wholly non-partisan in character was strikingly reflected in the vote in the House of Representatives. Of the Republicans 137 voted for and 62 against. Of the Democrats 141 voted for and 64 against. The one party Prohibitionist voted for and the solitary Socialist voted against.

The Illinois delegation in the House of Representatives voted 17 for the resolution and 7 against. In the Senate Lawrence Y. Sherman voted for the resolution and James Hamilton Lewis against.

The Amendment Ratified

The first state to ratify was Mississippi. The Legislature of that state met on January 8, 1918, and on the same day ratified the amendment by a vote of 28 to 5 in the Senate and 93 to 3 in the House. Fourteen additional states ratified during 1918. On January 16, 1919, Nebraska ratified, completing the necessary 36 for the adoption of the amendment. By February 25th Pennsylvania became the 45th state to ratify. Only three states, Connecticut, New Jersey and Rhode Island, with a total population of 5,004,054, have refused to ratify the amendment. Illinois was the 26th state to ratify. The vote in the Sen-

ate taken on January 8th was 30 to 15. The House ratified on January 14, by a vote of 84 to 66.

No other constitutional amendment was ever ratified by so many states in so short a time.

In the 45 states which ratified the aggregate vote in the Senate was, for ratification, 1,298; against ratification, 213. The aggregate vote in the Houses of the 45 states was, for ratification, 3,737; against ratification, 934.

In the first 36 states to ratify 86.1 per cent of the population lived in dry territory under state or local laws. Twenty-nine states had already adopted state-wide Prohibition.

On January 29, 1919, the acting Secretary of State, Frank L. B. Weller, signed and issued the proclamation certifying that the National Prohibition Amendment had become a part of the Constitution of the United States, and that under the provisions of the amendment the same would become operative January 16, 1920.

Text of the Amendment

The Eighteenth Amendment to the Constitution reads as follows:

"Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited."

"Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation."

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several states, as provided by the Constitution, within seven years from the date of the submission hereof to the states by the Congress."

Chicago Experiences "Quietest Christmas"

First Yule Under New Bone Dry Law, Home Brew Almost Only Wet Cheer

Chicago was still smiling today following the merriest yet quietest Christmas in years. Every one diverted all his attention to the celebration of the glad Yuletide. The city was ruled by happiness and solemnity. The homes of the city were gay; the churches were filled with worshippers offering up their thankfulness for the blessings of the year and paying homage to Him whose birthday it was.

Even the daily murder was omitted; there were few robberies, burglaries or holdups reported; the police stations were short of business, for the Christmas spirit seemed to have imbued even the criminal element and the underworld.

It was a sober, dry Christmas, too—the first Christmas under the new bone dry regime.

Pudding a la Camel

With the exception of a little "private stock" and "home brew" and what was sold by cheating saloons, there was practically no liquor available—certainly not the great flood of other Christmases.—Chicago Daily News.

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